REMARKS

Favorable reconsideration of the application is respectfully requested in light of the remarks to follow. Claims 18-29 are pending.

Office Action was Incomplete

It is submitted that the Office Action was incomplete because it did not address several of Applicant's arguments set forth in the previous Preliminary Amendment, contrary to M.P.E.P. 707.07(f) which states:

> "The examiner must address all arguments which have not already been responded to in the statement of the rejection."
>
> "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."

In particular, the remarks section of the Preliminary Amendment submitted December 27, 2001 included arguments that addressed the Examiner's previous rejection of renumbered Claims 18-29 in the Final Office Action of July 20, 2001 of the parent application S/N 09/061,581) (where renumbered Claims 18-29 herein correspond to Claims 1, 2, 5, 6, 7, 8, 9, 11, 12, 15, 16 and 17 of the parent application in the form that they stood prior to the above-noted Final Rejection). Yet the current Office Action, in rejecting Claims 18-29, merely repeats the same rationale, verbatim, as set forth in that Final Rejection, without addressing any of the Applicant's arguments. Whether or not this was an oversight, the Office Action was incomplete for the reasons promulgated in the M.P.E.P. mentioned above. As such, the Applicant respectfully requests a substantive response to those arguments in the next Official communication.

The Rejections Under 35 U.S.C. §§102 and 103

Claims 18-19, 22-24 and 26-27 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,949,956 ("Fukuda"). Claims 20-21, 25 and 28-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of U.S. Patent No. 5,686,982 ("Chung et al."). Applicant respectfully submits that these claims are patentable over the cited references for at least the following reasons:

Contrary to Claim 18, for example, it is submitted that the applied portions of Fukuda do not disclose or suggest a signal coding method that includes at least the following:

> "obtaining a reference value of allocation data amount interrelated with said coding difficulty of said input signal for said each unit time based on a standardized relationship between coding difficulty and allocation data amount, wherein said standardized relationship is provided when a reference motion picture image sequence is coded by way of variable bit rate coding with a predetermined average bit rate;" (emphasis added)

To this end, the Office Action stated that Fukuda discloses the above-emphasized features at Col. 6, lines 25-41. Applicant respectfully disagrees. That passage of Fukuda refers to FIG. 6 and discloses that a video signal is fed to a coding difficulty detector 101 for determining a degree of coding difficulty. An average detector 601 detects an average value of image signal levels in a certain period of the video signal.

It is readily apparent that Fukuda's detection of an average value of image signal levels is not equivalent to Applicant's claimed method in which a reference value of allocation data amount is obtained with reference to a reference image sequence coded by way of variable bit rate coding with an average bit rate. As described in col. 6, lines 41 et seq., Fukuda detects the average value of video data signal levels because if the signal level is small, the coding difficulty is assumed to be low and the allocated coding bits do not need to be increased. When the allocated coding bits are too small, a deterioration in image quality due to encoding distortion

will occur. The encoding distortion is rather emphasized when the video signal with a small signal level is increased in luminance, thus causing a higher quality deterioration. Fukuda purportedly prevents such a drawback by optimizing a linear transform action with the use of the average value of the signal levels. This technique is clearly not the same as Applicant's technique of obtaining a reference value of allocation data with the use of a predetermined average bit rate; and then modifying that reference value into an actual allocation data amount.

Accordingly, in light of the above distinctions, Applicants submit that Fukuda does not teach or suggest each and every feature of independent Claims 18, 23, 26 and 27; and therefore these claims are not anticipated by Fukuda under §102(e). Reconsideration and withdrawal of the rejections is therefore respectfully requested.

The remaining dependent claims in this application are patentable based at least upon their dependencies from the respective independent claims.

Chung et al. was relied upon for teaching pre-filter processing in the examiner's rejection of original claims 5-6, 11 and 16-17. Chung et al. likewise do not disclose or suggest the above-emphasized standardized relationship between coding difficulty and allocation data amount. As such, Chung et al. do not cure the deficiencies of Fukuda with respect to the Applicant's claims.

Conclusion

In view of the foregoing, entry of this Response, and the allowance of this application with Claims 18-29 are respectfully solicited.

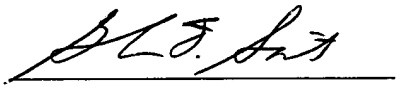
The above statements concerning the disclosures in the cited references represent the present opinion of Applicant's representative and, in the event that the Examiner disagrees,

Applicant's representative respectfully requests the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

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